

February 15, 2019

Alpha Tau Omega

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Jonathan and members of Alpha Tau Omega Fraternity:

I am writing with my decision in your conduct case. You accepted responsibility for the following violations of the Code of Student Conduct:

3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law

3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.

3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

Specifically, it was alleged that throughout the autumn 2018 semester and specifically on October 19, 2018 Alpha Tau Omega violated Ohio State's Code of Student Conduct in the following manner:

- Providing alcohol to new members and/or allowing or encouraging new members to consume alcohol, including members under the age of 21 during Alpha Tau Omega social events.
- Assigning new members specific tasks as a part of their new member experience. Examples include but are not limited to: wearing a toga to social events, wearing a pair of plaid shorts chosen by the fraternity to social events, bringing a basketball to social events, communicating the weather each day with the chapter, serving as a scribe during meetings, and/or providing scheduled motivation to the chapter.
- Requiring and/or encouraging new members to clean the fraternity house and annex house.
- Hosting a "Zip Tie party" where new members were given short notice to find a date who they were then zip tied to during the social event and expected to finish a bottle of liquor between the two of them. Once the bottle was empty the new member and guest were cut from the zip tie.

- Members and guests included both current and new members some of which were under the age of 21.

I considered the following factors in determining appropriate sanctions:

- Alpha Tau Omega's recent conduct history
- Alpha Tau Omega's cooperative spirit throughout the conduct process
- The severity of the violations when considered on a continuum
- Alpha Tau Omega's proposed self-imposed sanctions from both the OSU chapter as well as the sanctions from ATO National Headquarters

This outcome letter does not replace or nullify any sanctions or stipulations set forth by your organization's national headquarters, advisors, Sorority and Fraternity Life, the IFC, or The Ohio State University.

Disciplinary Sanction

Your chapter's disciplinary probation is effective immediately through May 3, 2020. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning. Rather, probation supports the chapter's efforts to avoid additional violations, which could result in further disciplinary action including extended probation, suspension, or dismissal.

Educational Sanctions

Social Probation

Your chapter proposed implementing a social probation "in hopes of minimizing risk in a period to comprehensively re-evaluate your risk management policies to ensure the prevention of the previously accepted violations from occurring in future social environments." I accept this sanction, and therefore, am placing your chapter on social probation effective immediately and concluding on March 31, 2019.

Return of Social Host Privileges

Beginning on April 1, 2019 through May 5, 2019, your chapter is limited to having a maximum of four (4) events where alcohol is available. These events may only occur at a third-party vendor where licensed and insured security is present.

During our conversations we discussed the risk your chapter puts itself in when members serve as security (check IDs) and when members serve as bartenders. While on disciplinary probation (thru May 5, 2020), you must hire a trained and insured security service and third-party bartender for events put on by your chapter when alcohol will be available. I encourage you to consider making this requirement part of your common practice to enhance the safety of your guests and reduce risk to your chapter. However, if you choose to permit members to serve alcohol after your disciplinary probation period (thru May 5, 2020), these bartenders must be trained and certified. I encourage you to talk to Sorority and Fraternity Life about free training opportunities.

Risk Management Policy Review

Your chapter will conduct a Risk Management Policy review in coordination with your Alumni Board, Chapter Advisor, and/or a National/Regional Representative(s).

Your chapter must submit a summary of the policy review to Student Conduct and the Director of Sorority and Fraternity Life before April 1, 2019 and/or before your first registered event where alcohol will be present. Please include the following in the summary:

- The names and contact information of those individuals who assisted your chapter with the review
- An executive summary of the changes that were made through your review, and
- A detailed plan describing how your chapter will document risk management practices to prove compliance (e.g., taking pictures of the check-in table throughout the night, saving guest lists, receipts for paid security, not allowing alcohol to be served to individuals who did not bring their own alcohol).

You will schedule a meeting with me and a liaison from Sorority and Fraternity Life by May 31, 2019, or after your last registered social event where alcohol is present, to review how your revised risk management policies were implemented (provide the evidence identified above) and what, if any, adjustments will be made to your Risk Awareness Program for the Autumn 2019 semester.

- If all policies and procedures are followed during the spring 2019 semester your chapter will be permitted to return to having the number of social events with alcohol as identified by IFC and/or Sorority and Fraternity Life.
- If your chapter does not attend this meeting and/or all policies and procedures are not followed, further limitations may be placed on your chapter's ability to hold events where alcohol is present.

Alcohol, Hazing, and Sexual Assault Education

Your chapter proposed to engage in seven (7) additional chapter-wide alcohol, hazing, and sexual assault education programs, not including your mandatory Standards of Excellence requirement and/or requirements from the national fraternity. Alpha Tau Omega stated:

Our chapter would benefit from programming with lawyers and law enforcement to make our members aware of the legal ramifications involved with their individual actions and the actions of the organization. This programming should focus on real-life experiences and events because real life analogies and applications has shown to resonate best with the chapter. One programming event per month for the next 3 months of the semester would be ideal. In addition, 2 more programming events to start off the Autumn Semester to refresh our members with important safety content, as well as 2 more in the Spring 2020 semester.

In my continued efforts to collaborate with your chapter, I accept this proposed sanction. These programs must be scheduled, coordinated, and implemented by your chapter and 80% of your chapter must be in attendance at these programs. These programs may include, but are not limited to, programs which Sorority and Fraternity Life offer as well as programs your national headquarters offers (including the accountability workshop offered by ATO NHQ).

After each program you will use a chapter meeting to discuss the program and how it pertains to your chapter and what you've taken away as a group. You will then create a summary about the program and the discussion. Your chapter advisor must be present at this chapter meeting and sign off on your summary. This summary will be included in your notice to me at the specified dates below. Please include a typed roster for who attended each event.

Your confirmation of program attendance and the summaries are due as follows:

- May 15, 2019- spring 2019 programs (3)
- December 15, 2019 – autumn 2019 programs (2)
- May 1, 2020 - spring 2020 programs (2)

New Member Process Review

Your chapter will work with your national headquarters and Sorority and Fraternity Life to review and establish new standards, expectations, and curriculum which will be used during the new member process. Using this experience and the lessons your chapter has taken away from it, ATO will summarize:

- The areas of strength and growth the chapter has when it comes to the new member process.
- The chapter's understanding of hazing and recommendations on how future members can avoid the same mistakes.
- Changes that were made to the new member process.

This summary is due to me by May 5, 2019.

Follow-up Meetings

We will continue to meet throughout your probation as described below:

- **First meeting**- During the autumn 2019 semester and prior to any events with alcohol or new member recruitment will take place
- **Second meeting**- During the spring 2020 semester and prior to any events with alcohol or new member recruitment will take place.

The intention of these meetings is to maintain communication regarding the growth and progress of the chapter and continue a working relationship with each other. The chapter must have a minimum of two (2) chapter members attend each meeting.

To schedule your meetings, you must contact me and your liaison, and provide a list of dates and times which you are available.

Summary of Dates

Here is a summary of important dates found in this outcome:

- Disciplinary Probation: Effective immediately through May 3, 2020

- Social Probation: Effective immediately through March 31, 2019
- Return to Social Host Privileges:
 - o April 1, 2019-May 5, 2019
 - Maximum of four (4) events where alcohol is available
 - Events must be at a third-party vendor with licensed and insured security
 - o While on disciplinary probation (thru May 5, 2020), you must hire a trained and insured security service and third-party bartender for events put on by your chapter when alcohol will be available.
 - Risk Management Policy Review:
 - o Summary due April 1, 2019
 - o Meeting to review implementation of risk management practices due May 31, 2019
 - Alcohol, Hazing, and Sexual Assault Programs: Your confirmation of program attendance and the summaries are due as follows:
 - o May 15, 2019- spring 2019 programs (3)
 - o December 15, 2019 – autumn 2019 programs (2)
 - o May 1, 2020 - spring 2020 programs (2)
 - New Member Process Review: Summary due May 5, 2019
 - Follow Up Meetings:
 - o First meeting- During the autumn 2019 semester and prior to any events with alcohol or new member recruitment will take place
 - o Second meeting- During the spring 2020 semester and prior to any events with alcohol or new member recruitment will take place.

Requests

Your chapter president must submit requests for extensions or minor modifications to studentconduct@osu.edu. Requests must contain a detailed rationale for the request.

Staffing Change

Should Student Conduct no longer employ me, or if my role were to change, another staff member will monitor sanction completion. To account for such a change, please include studentconduct@osu.edu on all of the sanction items described in this letter.

Appeal

Because your chapter accepted responsibility, you may only appeal on the basis that the disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4:00 p.m. on February 22, 2019. Use the online appeal form found at <https://go.osu.edu/appeals> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in that signed form along with any relevant documentation to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period.

Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at 614-292-6207 (voice), 614-688-8605 (TTY), ada-osu@osu.edu, or visit <https://ada.osu.edu>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

If you have any questions concerning this matter, please do not hesitate to contact me at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,



Aaron Reistad
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Bryan Murray
Travis Kessinger

STUDENT CONDUCT APPEALS

Student Appeals

- A student or organization found to have violated the Code of Student Conduct has the right to appeal the original decision. **The appeal is not intended to re-hear or re-argue the same case, and is limited to the specific grounds outlined below.** The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, **by the deadline provided in the decision letter**, which is usually five (5) working days after the date on which notice of the decision is sent to the student. Each student or organization shall be limited to one appeal. **The decision of the appeal officer is final.**
- In cases involving charges relating to sexual harassment as defined in applicable university policy, the victim may appeal the original decision. Such charges include, but are not limited to, sexual misconduct and stalking.
- A student who (or organization that) has accepted responsibility (Administrative Disposition) for violating the Code of Student Conduct waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.
- Each party shall be limited to one appeal. The decision of the appeal officer is final.

Grounds for appeal

An appeal may be based only upon one or more of the following grounds:

1. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

Non-attendance by the accused student may not be the sole grounds for an appeal. Dissatisfaction with a decision is not grounds for appeal.

Appeal Procedure

1. Complete the Appeal Request Form, including signing the form.
2. If applicable, attach supporting documentation.
3. Turn in the signed form and any added documentation to Student Conduct by the deadline. Student Conduct will ensure that the appeal officer receives the appeal and the record of the case.
4. Students neither meet with nor make oral presentations to the appeal officer, except at the request of the appeal officer in order to obtain relevant information.
5. Students who do not submit their appeals by the date/time specified in their decision letter waive their opportunity to appeal.
6. Students who do not provide information concerning the basis of their appeal waive their opportunity to an appeal.

APPEAL REQUEST FORM

Name: _____

Student ID#: _____

Phone: _____

Email: _____

I am the: _____ accused student _____ victim in a sexual harassment/violence case

I am basing my appeal on one or more of the following reasons [If you check a basis, you must provide facts, documentation or perspective that supports your appeal. It is important to provide information that is as detailed and accurate as possible, so that the appeal officer can make an informed decision regarding the appeal. You may attach additional sheets as needed].

_____ 1. Procedural error that resulted in material harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.

Please identify the procedural error(s) that took place and how the error(s) prevented a fair, impartial or proper hearing.

_____ 2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body.

Please describe the new evidence and, if appropriate and possible, attach it to this appeal. Indicate why the information was not provided at the time of the hearing. Also indicate why the information is sufficient to alter the original decision in the case.

_____3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating circumstances.

Please explain how the sanction is grossly disproportionate to the violation (i.e. unreasonably harsh or light, given all of the relevant circumstances).

I certify that the information presented in my appeal is accurate, to the best of my knowledge. I understand that providing false information is a violation of the Code of Student Conduct and subject to disciplinary charges.

Signature

Date

For Student Conduct Staff:

Received by:

Time

Date Stamp:

Delivered to Appeal Officer

Date